



GEORGIA M. PESTANA
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

Iván A. Méndez, Jr.
Assistant Corporation Counsel
Labor and Employment Law Division
Telephone: (212) 356-2450
E-mail: imendez@law.nyc.gov

MEMO ENDORSED

August 5, 2021

By ECF

Honorable Colleen McMahon
United States District Judge
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Extension Granted
Colleen McMahon
8/9/2021

Re: Karlin v. City of New York
19 Civ. 8151 (CM)

Dear Judge McMahon:

I am an Assistant Corporation Counsel in the office of Georgia M. Pestana, Corporation Counsel of the City of New York, attorney for defendant City of New York in the above-referenced action. The parties write jointly, in accordance with Rule I.D. of Your Honor's Individual Rules of Practice, to respectfully request that the Court adjourn the deadline to move for summary judgment and submit a joint pre-trial order, and adopt the parties' proposed briefing schedule. This is the parties' first such request, and the requested extensions of time will not affect any other deadlines.

Plaintiff commenced this action asserting that he was denied promotions to five positions for which he applied because of his gender, and in retaliation for various internal and external complaints of discrimination. Discovery in this case was extensive. The parties exchanged thousands of pages of discovery as well as ESI. Plaintiff was deposed over two days, and Plaintiff's counsel took an additional 7 depositions, some of which spanned two days. The parties' discovery disputes in this case were minimal, and were all resolved cooperatively, and without the need for Court intervention.

The parties now write jointly to respectfully request that the deadline to move for summary judgment be adjourned from August 20 to October 8, 2021, with plaintiff's opposition papers due 4 weeks thereafter, on November 5, 2021, and Defendant's reply due two weeks thereafter, on November 19, 2021. The parties further request that they be permitted to submit their joint-pretrial on the same date as the reply, on November 19, 2021.

Our Division has been experienced a large number of attorney departures in recent months and weeks, with hundreds of cases requiring reassignment and immediate work, including motions, depositions, and the production of outstanding discovery. My duties as a supervising attorney include ensuring that the attorneys whom I supervise adequately reassign cases and finish any outstanding work. The requested extension of time will permit me sufficient time to ensure that cases are being adequately reassigned and transitioned, assist with the training and onboarding of incoming attorneys, while allowing me sufficient time to digest the lengthy discovery record in this case and prepare the Defendant's motion.

Plaintiff counsel, who is a sole practitioner, also requests additional time in light of a very busy litigation caseload, including a promotion letter and answer due this week, a summary judgment reply brief due next week, and a FINRA arbitration currently scheduled for the week of September 20 for which prehearing submissions are due later this month, along with ongoing discovery obligations in two complicated state court cases (one involving a Mental Hygiene Law claim and another involving a race discrimination claim on behalf of a physician). Because Mr. Karlin's case involves multiple non-promotion claims, his case requires more time to prepare than the typical single-plaintiff discrimination case.

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/

Iván A. Méndez, Jr.
Assistant Corporation Counsel

cc: All Counsel of Record
(By ECF)